



### **Synopsis and List of dates**

The Petitioner is filing the Review petition to bring to the attention of this Hon'ble Court the error apparent on the face of the record due to the ignorance of the new evidence which has never been considered by any court before which conclusively shows that the Petitioner was a juvenile on the date of the offence. The new evidence is in the form of the school register of the school first attended by the Petitioner which records his date of birth as being 08.10.1996 which makes him 16 years 2 months and 8 days old on the date of the incident, which was 16.12.2012. This document is *ante lite mortam*, as it pre-dates the date of the offence in the present case. It would be a travesty of justice to execute the Petitioner in light of this new material.

Unfortunately, in its judgement/order on the Criminal Appeal of the Petitioner dated 20.01.2020, this Hon'ble Court has erroneously ignored that there is further new evidence which shows that the respondent state has concealed this information from this Hon'ble Court. The respondent state had issued a notice dated 26.02.2017 under section 91 CrPC to The Principal, Gayatri Baal Sanskar Shala, Narayanpur, Distt. Ambedkar Nagar, seeking all documents pertaining to the Petitioner's date of birth. It appears that this notice and its response have been kept from this Hon'ble Court.

This Hon'ble Court vide order dated 03.02.2017 had directed the petitioner to file a mitigation affidavit. The Petitioner had specifically pointed to his school records and the date of birth recorded therein

through the affidavit filed with this Hon'ble Court in compliance with the order dated 03.02.2017. This order also made it clear that "the prosecution is given liberty to put forth in the affidavit any refutation, after the copies of the affidavits by the learned counsel for the accused persons are served on him. For the said purpose, a week's time is granted." However, despite this opportunity, the status report filed in response to the Petitioner's affidavit did not deny the Petitioner's claim of being a child on the date of the incident. This is particularly striking since the claims of co-accused Vinay Sharma were specifically denied and refuted.

This suppression is particularly material since section 94(2) of the Juvenile Justice Act, 2015 categorically gives primacy to the school documents over the municipal records.

Further, the Trial Court's determination of age is based on municipal birth certificate allegedly belonging to the Petitioner but evidence of his parents' residence shows that the address shown in the birth certificate was not even their address at the relevant time. True copy of disability certificate, hawking license and voter ID card of Hari Ram Gupta father of the Petitioner is annexed hereto and marked as **Annexure A-2**. This puts the evidence presently relied upon to come to a finding about the Petitioner's age in serious doubt.

There is an absolute bar in law, codified under section 21 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and similar bar existed under the repealed laws also. This plea of juvenility has never been

adequately considered in the impugned judgment, leading to a gross miscarriage of justice.

| Date       | Event  |
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| 16.12.2012 | Incident in question took place. The Petitioner is one of six persons alleged to have gang raped and killed the deceased.  |
| 18.12.2012 | The Petitioner was arrested. He has been in continuous custody since.  |
| 07.01.2013 | <p data-bbox="467 1118 1414 1346">During proceedings before the Metropolitan Magistrate, the Petitioner was not represented by any counsel and sought time to engage counsel.</p> <p data-bbox="467 1392 1414 1620">The court directed the investigating officer to file a report regarding documents he had relied on to determine the age of the accused.</p> <p data-bbox="467 1666 1414 1795">A true copy of the order dated 07.01.2013 is annexed as Annexure A-1 to the SLP.</p> |

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| 10.01.2013 | <p>During proceedings before the Magistrate, this was the first date when the Petitioner was represented by a counsel.</p> <p>The counsel did not have papers, and the order recorded by the magistrate notes that counsel asked for time to scrutinise papers and were given time till 14.01.2013.</p> <p>However, on the same day, in the same order the question of juvenility was decided based on a police report. This report included "Certified copy of live birth report along with certified copy of birth certificate of accused PAWAN KUMAR GUPTA" and written statement of parents of the accused. This report was not disputed and no objections were raised.</p> <p>It is clear that the counsel had neither obtained papers, nor instructions from their clients. This is because the order dated 07.01.2013 directed that the case file be kept in a sealed condition till further order. The order dated 10.01.2013 records that the counsel were provided papers only in court that day. Hence, there was no opportunity afforded to the counsel to interact with their clients on the issue of juvenility. Despite this, adverse orders against the Petitioner came to be passed.</p> <p>A true copy of the order dated 10.01.2013 is annexed as Annexure A-2 to the SLP.</p> |
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| 10.09.2013 | <p>The Petitioner was convicted for offences under sections 120-B, 365, 366 r/w 120-B, 307 r/w 120-B, 376(2)(g), 377 r/w 120-B, 302 r/w 120-B, 395, 397 r/w 120-B, 201 r/w 120-B and 412 IPC by the Additional Sessions Judge, Special - Fast Track Court, Saket in SC No.114 of 2013</p>   |
| 13.09.2013 | <p>The Petitioner was sentenced to death under section 302 IPC by the Additional Sessions Judge.</p>  |
| 13.03.2014 | <p>The conviction and sentence imposed on the Petitioner were upheld by the High Court of Delhi in Criminal Appeal No. 1414 of 2013 and Death Reference No. 6 of 2013.</p>  |
| 03.02.2017 | <p>This Hon'ble Court directed the Petitioner to file affidavits towards mitigation.</p> <p>In the course of preparation of these affidavits, the Petitioner's counsel sought details of the school attended by the Petitioner. It is thereafter that it came to light that the date of birth recorded in the school records is 08.10.1996 making the Petitioner a juvenile on the date of the offence.</p> <p>The order of this Hon'ble Court made it clear that "the prosecution is given liberty to put forth in the affidavit any refutation, after the copies of the affidavits by the learned counsel for the accused persons are served on him. For the said purpose, a week's time is granted."</p> |

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| 16.02.2017 | School leaving certificate issued by the school showing the Petitioner's date of birth to be 08.10.1996.  |
| 22.02.3017 | Mitigation affidavit in compliance of order dated 03.02.2017 filed in the Hon'ble Supreme Court annexing the school leaving certificate as Annexure A2/1 therein and categorically stating that the Petitioner was a child on the date of the incident. The annexure, the school leaving certificate states that the date of birth of the Petitioner is 8.10.1996. A true copy of the affidavit along with annexures is annexed as Annexure A-3 to the SLP.   |
| 26.02.2017 | <p>Notice under section 91 CrPC issued by Delhi Police SI Ranveer Singh to The Principal, Gayatri Baal SanskarShala, Narayanpur, Distt. Ambedkar Nagar, seeking all documents pertaining to the Petitioner's date of birth.</p> <p>This notice and the response were never brought to the attention of this Hon'ble Court and these documents were not supplied to the parties to the case or to the learned amici curiae appointed by this Hon'ble Court. A true typed copy of the notice under section 91 issued by the SHO, PS Vasant Vihar is annexed as Annexure A-1 herein.</p> |

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| 23.03.2017 | <p>The Respondent State filed a status report. There was no response to the Petitioners claim of juvenility.</p> <p>However, the report specifically responded to and denied the juvenility claim of co-accused, Vinay Sharma.</p> <p>The status report filed before this Hon'ble Court is annexed as Annexure A-5 to the SLP.</p>   |
| 05.05.2017 | <p>This Hon'ble Court in CrI.A. 609 of 2017 upheld the conviction and sentence of death imposed on the Petitioner. The issues of juvenility or the school leaving certificate is not discussed and no finding is recorded on this issue.</p>   |
| 09.07.2018 | <p>This Hon'ble Court in R.P. CrI. No.671-673/2017 dismissed the review petition filed against the dismissal of the Criminal Appeals of the Petitioner and his co-accused.</p> <p>The Petitioner had filed a Review Petition specifically raising the plea of juvenility. The review petition cited the school leaving certificate filed in the Supreme Court along with the mitigation affidavit as the basis for the plea of juvenility.</p> <p>Judgment in the Review Petition No. 671-673 of 2017 passed by the Supreme Court. The judgment does not refer to the school leaving certificate. Instead it refers to</p> |



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|            | <p>the order dated 10.01.2013 passed by the Magistrate.</p> <p>The court held:</p> <p>“Now, coming to the submission of the learned counsel for petitioner No.2 that he was juvenile at the time of occurrence. The said issue was also considered by the trial court and rejected. The trial court on the basis of the material placed before it had rightly concluded that petitioner No.2 was not a juvenile. Learned counsel for the respondent has rightly referred to the proceedings of trial court dated 10.09.2013. In this respect this submission also does not furnish any ground for review of the judgment.”</p> |
| 30.08.2018 | <p>Petitioner filed an application through Jail Supdt, Tihar Jail, addressed to the Juvenile Justice Board -II, Prayas, Delhi Gate seeking age determination.</p>  |
| 14.09.2018 | <p>Ld Juvenile Justice Board considered the application and concluded that it lacked jurisdiction to hear the matter stating that “the claim of the juvenility raised by the applicant can only be decided by the court which has tried him and granted him a death sentence”.</p> <p>Accordingly the application was transferred to the Court of Ld District and Sessions Judge, Patiala House.</p>   |

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| 21.12.2018 | <p>Ld ASJ, Patiala House dismissed the application filed by the Petitioner as being not maintainable. The order records the submission of the state that "on the directions of the Hon'ble Supreme Court, the investigating officials had also verified the said Leaving Certificate from the concerned School Authorities". This was for the first time that the state acknowledged before a court that the school records were verified by the police.</p> |
| 05.04.2019 | <p>The Petitioner filed Criminal Revision Petition No. 1301/2019 before the Delhi High Court challenging the order of the Sessions Judge.</p> <p>A true copy of the Criminal Revision Petition No. 1301/2019 along with annexures filed before the Delhi High Court is annexed as Annexure A-6 to the SLP.</p>   |
| 12.12.2019 | <p>The school issued a certified copy of school register which formed the basis for the issuance of the school leaving certificate. This register corroborates the Petitioner's date of birth.</p> <p>A true typed copy along with a certified copy of the school register is annexed as Annexure A-7 to the SLP.</p>  |
| 18.12.2019 | <p>The Petitioner filed an application for stay and to bring on record the copy of the school register. This application was filed vide diary number 1598038 of 2019 on 18.12.2019.</p>  |

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|            | <p>A true copy of the application filed vide diary number 1598038 of 2019 on 18.12.2019 before the Delhi High Court is annexed as Annexure A-8 to the SLP</p>  |
| 19.12.2019 | <p>The order impugned in the criminal appeal was passed. A bare perusal of the order shows that the Petitioner was unrepresented. The court was not made aware of the new evidence in the form of the school register which corroborates the Petitioner's claim of juvenility.</p> <p>The application filed by the Petitioner vide diary number 1598038 of 2019 was not listed before the Delhi High Court. The Petition was dismissed as not being maintainable.</p>  |
| 20.01.2020 | <p>This Hon'ble Court in Special Leave Petition (Criminal) No. 547 of 2020 heard and decided the SLP filed by the Petitioner in one hearing wherein this Hon'ble Court has erroneously ignored the blatant attempt at suppression of facts which stood proved by the Petitioner procuring a copy of the notice under S.91/161 CrPC which was produced before this Hon'ble Court for the first time. This Hon'ble Court has also erroneously held that juvenility pleas cannot be raised after the dismissal of the Special Leave Petition despite the statute i.e. the Juvenile Justice Act, 2015 being contrary to the observations of this</p> |

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|             | <p>Hon'ble Court and also despite there being new proof never brought earlier before this Hon'ble Court i.e. the School Register and also the notice under S.91/161 CrPC to the Petitioner's school which explains why such information could not be brought before this Hon'ble Court by the Review Petitioner. Despite the suppression by the Respondent authorities not being the fault of the Review Petitioner, the contentions raised in the SLP have been dismissed without due consideration.</p> |
| ___.01.2020 | Hence this Petition.  |

IN THE HON'BLE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
REVIEW PETITION (CRL.) NO.                      OF 2020  
IN  
S.L.P. (CRL.) NO. 547      OF 2020  
(Arising out of Special Leave Petition (Crl) No. 547 OF 2020)

**IN THE MATTER OF: -**

POSITION OF PARTIES

|   | Before the<br>Trial Court | Before the<br>High Court | Before the<br>Supreme<br>Court |
|---|---------------------------|--------------------------|--------------------------------|
| 1. PAWAN KUMAR<br>GUPTA Presently<br>Lodged at<br>Tihar Central Prison,<br>New Delhi. | Petitioner                | Petitioner               | Petitioner                     |

VERSUS

|  |            |            |            |
|--|------------|------------|------------|
| State of NCT of Delhi<br>Through Secretary, Home<br>Department | Respondent | Respondent | Respondent |
|--|------------|------------|------------|

To,

The Hon'ble Chief Justice

And his companion Justices

Of the Supreme Court of India

THE HUMBLE PETITION OF THE PETITIONER ABOVE NAMED

**MOST RESPECTFULLY SHOWETH:**

The present Review Petition is being filed against the final judgment and order dated 20.01.2020 passed by this Hon'ble Court dismissing the Special Leave Petition filed by the Petitioner against the order dated 19.12.2019 passed by the Hon'ble Delhi High Court in Criminal Revision Petition No. 1301 of 2017. The impugned judgment dismissed the Petitioner's claim of juvenility without attention to the blatant and successful attempt of suppression of facts engaged in by the Respondent authorities during the pendency of the Special Leave Petition on merits of the Petitioner, and also ignores that new evidence i.e. the school register of the Petitioner which is a verified document by the Delhi Police and also pre-dates the offence, showed the Petitioner to be a juvenile on the date of the offence.

1. This Review Petition is being filed due to the 'error apparent on the face of the record' on the following issues:
  - a. That a plea of juvenility can be raised at any stage, even after the final disposal of proceedings as legislatively dictated by section 9(2) of the Juvenile Justice Act, 2015 and 7A of the Juvenile Justice Act, 2000 and the impugned judgement dated 20.01.2020 is contrary to the statute and infringes on the legislative liberty provided to those arrested tried and sentenced as adults due to unavoidable errors of the criminal

justice system and such liberty cannot be restricted to the Criminal Appeal stage before this Hon'ble Court, especially when a valid claim of juvenility could not be raised due to suppression by the state authorities thereafter discovered by the Petitioner but ignored by this Hon'ble Court in the impugned judgement. The Petitioner has provided detailed grounds below:

## **2. GROUNDS:**

A. Because the impugned judgment has been occasioned by incomplete evidence being presented before this Hon'ble Court and material evidence being suppressed by the respondent state. The Petitioner's age has not be determined in accordance with the procedure laid down in the Juvenile Justice Act and this has led to a miscarriage of justice.

### **New Evidence proving juvenility**

B. Because it would be a travesty of justice to execute the Petitioner in light of new evidence which is in the form of the school register of the school first attended by the Petitioner which records his date of birth as being 08.10.1996. A copy of this register was issued to the Petitioner only on 12.12.2019 and was thereafter produced before this Hon'ble Court during the SLP proceedings which culminated in the impugned order dated 20.01.2020.

C. Because there is further new evidence which suggests that the respondent state has suppressed material evidence which it had

obtained. The respondent state had issued a notice under section 91 CrPC to The Principal, Gayatri Baal Sanskar Shala, Narayanpur, Distt. Ambedkar Nagar, seeking all documents pertaining to the Petitioner's date of birth. This notice and its response were earlier kept from this Hon'ble Court. (Annexure A-1 of the Review Petition) However, despite the Petitioner in a steadfast manner providing proof of a blatant suppression of facts before this Hon'ble Court, no action has been taken, and no observations have been made regarding the validity of the Petitioner's contention that the Respondent authorities, especially the Delhi Police conducted an enquiry which validated the school records of the Petitioner but chose to hide it from this Court.

D. Because the Petitioner had specifically pointed to his school records and the date of birth recorded therein through an affidavit filed with this Hon'ble Court. This Hon'ble Court vide order dated 03.02.2017 made it clear that "the prosecution is given liberty to put forth in the affidavit any refutation, after the copies of the affidavits by the learned counsel for the accused persons are served on him. For the said purpose, a week's time is granted." However, despite this opportunity, the status report filed in response to the Petitioner's affidavit did not refute the Petitioner's claim of being a child on the date of the incident.



**Suppression by police and respondent state and no observations in the impugned judgement of this Hon'ble Court in the impugned judgement dated 20.01.2020.**

- E. Because the police deliberately did not produce the Petitioner's school records before the Metropolitan Magistrate. The police were specifically directed through order dated 07.01.2013 to file a report regarding the Petitioner's age before the Metropolitan Magistrate. In light of this order and the clear mandate under the JJ Act and Rules, it was incumbent on the police to obtain and place before the Court the Petitioner's school records. However, these have been suppressed.
- F. Because the respondent state was made aware of the existence of the school records by the Petitioner through the mitigation affidavit filed in compliance with the order dated 03.02.2017 of this Hon'ble Court. It is clear that the respondent state through the SHO, PS Vasant Vihar issued a notice under section 91 CrPC to the Petitioner's school seeking all documents relating to the Petitioner. The fact of the issuance of this notice has been suppressed and the documents obtained in reply have been kept from this Hon'ble Court and the parties including the amici curiae.
- G. Because the status report filed in response to the mitigation affidavits filed by all the accused in this case does not deny or refute the claims of the Petitioner that he was a juvenile on the date of the offence. In contradistinction, the state specifically

denied the plea of juvenility taken by the co-accused, Vinay Sharma.

H. Because the state has claimed before the Sessions Court that "on the directions of the Hon'ble Supreme Court, the investigating officials had also verified the said Leaving Certificate from the concerned School Authorities". However, this verification process was not reported to this Hon'ble Court during the hearings of the Criminal Appeal. This suppression of material is particularly egregious since the Petitioner had specifically averred in the Review Petition that the plea of juvenility was established through the school records. However, in response to this petition, the state had only cited the order dated 10.01.2013 and deliberately suppressed the fact that the police had verified the school leaving certificate.

I. However, despite multiple claims within the pleadings of the Special Leave Petition dismissed on 20.01.2020 and also the oral arguments by the counsel of the Petitioner, the impugned judgement provides no answer as to why such suppression would not provide cause for the Petitioner to not only re-agitate his claim but also to seek accountability from the officers involved in the suppression of the S.91/161 CrPC notice which was definitely served upon the school of the Petitioner.

**Plea of juvenility can be raised at any stage, even after the final disposal of proceedings.**

J. Because under the proviso to section 9(2) of the JJ Act, 2015 the claim of juvenility can be raised at any stage and before any Court.

K. Because the Supreme Court has held in Upendra Pradhan v. State of Orissa, (2015) 11 SCC 124, that a claim of juvenility as per the procedure established under the JJ Act "can be taken before any Court at any point of time" and if such a claim is established, the accused has to be released if he has already undergone more than the maximum period of detention prescribed for juveniles. The Supreme Court has consistently allowed the claim of juvenility to be agitated even after the dismissal of the special leave petition and review petition thereafter.[Ram Narain v. State of U.P., (2015) 17 SCC 699; Abdul Razzaq v. State of U.P. (2015) 15 SCC 637]]

Because the determination of juvenility by this Hon'ble Court is based on the order dated 10.01.2013, on which date the school records were not available with the Petitioner or his counsel. These documents came to light in the course of the preparation of the mitigation affidavits pursuant to the order of this Hon'ble Court dated 03.02.2017. Thereafter, on 12.12.2019 the certified copy of the school register was obtained. There has never been a final determination of juvenility as required by section 94(2) of the Juvenile Justice Act, 2015 and given the fact that these documents were placed on record subsequently, and reliance on the order dated 10.01.2013 is misplaced.

**Violation of principles of natural justice**

L. Because the Petitioner's age was first determined through an order of the magistrate by order dated 10.01.2013. The Petitioner was not represented before the Magistrate's Court on 07.01.2013 and

sought time to engage counsel. Despite being un-represented, the Magistrate directed the investigating officer to produce documents regarding age of the Petitioner as also his co-accused, Vinay Sharma. On 10.01.2013 the petitioner was represented by counsel for the first time. The counsel did not have any case papers, and the order recorded by the magistrate notes that counsel asked for time to scrutinise papers and were given time till 14.01.2013. However, on the same day, in the same order the question of juvenility was decided based on a police report. This report included "Certified copy of live birth report along with certified copy of birth certificate of accused PAWAN KUMAR GUPTA" and written statement of parents of the accused. This report was not disputed and no objections were raised.

It is clear that the counsel had neither obtained papers, nor instructions from their clients. This is because the order dated 07.01.2013 directed that the case file be kept in a sealed condition till further order. The order dated 10.01.2013 records that the counsel were provided papers only in court that same day. Hence, there was no opportunity afforded to the counsel to interact with their clients on the issue of juvenility. Despite this, adverse orders against the Petitioner came to be passed.

M. Because this Hon'ble Court has consistently held that sufficient time must be given to lawyers to seek instructions from their clients to be able to effectively represent them in trial, a denial of which violates article 21 and 22 of the Constitution. [Anokhilal v. State of

Madhya Pradesh (Criminal Appeal Nos.62-63 of 2014, judgment dated 18, December 2019)]

**School Certificate given primacy under the JJ Act**

N. Because the Petitioner is entitled to an appreciation of his claim of juvenility as per the JJ Act, 2015, which he has not availed of prior to this proceeding. The procedure to determine age is prescribed in Section 94(2) of the JJ Act, 2015 which states:

“(2) In case, the Committee or the Board has reasonable grounds for doubt regarding whether the person brought before it is a child or not, the Committee or the Board, as the case may be, shall undertake the process of age determination, by seeking evidence by obtaining —

(i) the date of birth certificate from the school, or the matriculation or equivalent certificate from the concerned examination Board, if available; and in the absence thereof;

(ii) the birth certificate given by a corporation or a municipal authority or a panchayat;

(iii) and only in the absence of (i) and (ii) above, age shall be determined by an ossification test or any other latest medical age determination test conducted on the orders of the Committee or the Board:

Provided such age determination test conducted on the order of the Committee or the Board shall be completed within fifteen days from the date of such order.”(emphasis supplied)

- O. Because section 94 of the JJ Act prescribes that age is to be determined by obtaining the date of birth certificate from the school, in its absence, the birth certificate issued by a corporation or a municipal authority or a panchayat is to be obtained. In the absence of both these, a medical test may be conducted to determine age.
- P. Because in the present case, the birth certificate from the school, shows that the Petitioner was a juvenile on the date of the incident. That such procedure for age determination was also present under JJ Act, 2000, as Rule 12(3) of the Juvenile Justice (Care and Protection of Children) Rules, 2007 ("JJ Rules, 2007") is in pari materia to Section 94 of the JJ Act, 2015, and the Petitioner was entitled to the appreciation of his juvenility under the earlier Act which has been continued in the procedure under S. 9(2) of the JJ Act, 2015.
- Q. Because the Hon'ble Supreme Court held in *Ashwani Kumar Saxena v. State of M.P.* (2012) 9 SCC 750 that procedure not envisaged under the JJ Act, 2000 cannot be imported for determination of age.

**Order dated 10.01.2013 passed without considering school records**

- R. Because the police were specifically directed through order dated 07.01.2013 to file a report regarding the Petitioner's age before the Metropolitan Magistrate. However, the police did not produce the

Petitioner's school records, despite the clear mandate of the JJ Act and rules.

- S. Because in the present case the plea of juvenility was not examined through an enquiry as required by the Juvenile Justice Act and Rules. Instead, reliance was placed a 'written statement' allegedly of the parents of the Petitioner. This is contrary to the procedure contemplated under section 94(2) of the JJ Act, 2015. This is also contradictory to section 162 CrPC which categorically bars the use of statements made to the police for any purpose.
- T. Because the documents relied on by the prosecution to establish the date of birth were never proved in court and were not exhibited. These documents were not put to the Petitioner as required by section 313 CrPC.
- U. Because the order dated 10.01.2013 was passed in ignorance of the school records of the Petitioner which show that he was a juvenile on the date of the offence, the order cannot be relied on to negate the plea of juvenility.
- V. Because the order regarding the Petitioner's age was passed on 10.01.2013, on which date the school records were not available with the Petitioner or his counsel. These documents came to light in the course of the preparation of the mitigation affidavits pursuant to the order of this Hon'ble Court dated 03.02.2017. Thereafter, on 12.12.2019 the certified copy of the school register was obtained. The order dated 10.01.2013 thus violates the mandate of section 94(2) of the Juvenile Justice Act, 2015.

W. Further, the Trial Court's determination of age is based on municipal birth certificate allegedly belonging to the Petitioner but evidence of his parents' residence shows that the address shown in the birth certificate was not even their address at the relevant time. Copy of disability certificate, hawking license and voter ID card of Hari Ram Gupta father of the Petitioner is annexed to this Petition (**Annexure A-2**). This puts the evidence presently relied upon to come to a finding about the Petitioner's age in serious doubt.

X. Because no other Review Petition has been filed by the present petitioner against the impugned order of this Hon'ble Court dated 20.01.2020.

3. **GROUND FOR INTERIM RELIEF**

That compelling grounds exist for setting aside the impugned order passed against the Petitioner. It is humbly submitted that a sentence of death has been imposed on the Petitioner herein without following the procedure under the Juvenile Justice Act and has been a result of suppression of evidence by the state. There would be grave failure of justice with irreversible consequences, if this Hon'ble Court does not forthwith stay the operation of the Impugned Judgment and Order.

4. **Main Prayer**

In the light of the above facts and circumstances, the Petitioner herein most humbly submits that this Hon'ble Court may be pleased to:



- a. Review the impugned final judgment and order dated 20.01.2020 passed by this Hon'ble Court in Special Leave Petition (Crl) No. 547 of 2020; and
- b. Pass such other Order or Orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

**5. Interim Relief**

Pending disposal of the present petition this Hon'ble Court may be pleased to:

- A. Issue an interim injunction restraining the Respondent from executing the sentence of death on the Petitioner as the execution of the Petitioner is scheduled for February 1, 2020;
- B. Call for the original records of the case from the Ld. Trial Court and Hon'ble High Court and direct that translated copies of the same be provided to the Petitioner;

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY

DRAWN BY:

FILED BY:

ADVOCATE FOR THE PETITIONER

Drawn on:

Filed on:

**OFFICE OF THE STATION HOUSE OFFICER PS VASANT VIHAR  
SOUTH DISTRICT NEW DELHI**

**NO. /R-SHO/VV DATED-**

DISPATCH NO 675 SHO/VASANT VIHAR

DATE 26/02/2017

**ORDER TO PRODUCE DOCUMENTS OR ARTICLE**

**NOTICE-91/160 CrPC**

**FIR NO-413/12 U/s 302/120B/376.2.G/377/307/201/396  
IPC PS VASANT VIHAR, ND**

**To,**

The principal,

Gayatri Bal Sanskaan,

Shala Narayanpur Tanda, distt Ambedkar Nagar

Whereas it has been made to appear to me that the productions of the documents/the article(that mentioned below) is necessary for the

***verification of the affidavite of the accused persons in Nirbhaya case, as per the direction of Hon'ble Supreme Court of India.***

1. Kindly provide the details of Pawan S/O Heera Lal passing out on

20.05.2006

2. Kindly provide 1<sup>st</sup> class admission form and all documents provided

by at the time of school admission and verify the age.

*SI Ranveer Singh,*

*PS, Vasant Vihar ,ND*

*9968913075*

OFFICE OF THE STATION HOUSE OFFICER PS VASANT VIHAR  
SOUTH DISTRICT NEW DELHI

No.

/R-SHO/VV

dated-

Dispatch No. [redacted] SHO/Vasant V

Date [redacted]

ORDER TO PRODUCE DOCUMENTS OR ARTICLE  
NOTICE-91/160 CrPC

FIR No-413/12 U/s-302/120B/376.2.G/377/307/201/396 IPC PS VASANT VIHAR, ND

To,

The principal  
Gayatri Bal Sanskaran  
Sharda, Narayanpur Tenda, Dist Ambedkar Nagar.

Whereas, it has been made to appear to me that the production of the documents/the article (that mentioned below) is necessary for verification of the affidavite of the accused persons in Nirbhaya case, as per direction of Hon'ble Suprem Court of India.

1. Kindly provide the details of Passen of [redacted] [redacted] passing out in 2005/2006
2. Kindly provide the A 1st class admission form and all document provided by at the time of school admission and verify the age.

[Handwritten Signature]

SI Ranveer Singh  
PS Vasant Vihar, ND  
9968913075

